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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,919	04/27/2005	Nicholas Alexander Rutter	122143	7276
25944 7590 02/22/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/518,919

Applicant(s)

RUTTER ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-69 is/are pending in the application.
- 4a) Of the above claim(s) 70-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-53, 55, 57, 58 and 67-69 is/are rejected.
- 7) ☒ Claim(s) 54, 56 and 59-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's election and amendment filed January 29, 2007. Applicant elected group I, claims 40-63 with traverse and requested consideration of amended claims 67-69.

In this Office action, claims 40-69 will be considered. Claims 70-78 are withdrawn from consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 40-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 40, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claim 56, "said means for increasing the sensitivity" lacks antecedent basis.

In claim 60, "said isolating means" lacks antecedent basis.

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Claim 56 appears to depend on claim 55. Claim 60 appears to depend on claim 59. For examining purposes, the dependency is presumed as they appear to the examiner. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 40- are rejected under 35 U.S.C. 102(b) as being anticipated by Rutter (WO 00/21047).

Claim 40:

Rutter (herein after as WO'047) discloses an alarm for detecting radiation and/or pollutants such as smoke, carbon monoxide or the like having:

- a. a housing means (figs. 1-3);
- b. an alarm circuit including detection means for detecting said radiation and/or pollutants (abstract);
- c. first electrical connection means connectable to an external power supply for supplying power to the alarm circuit (page 4, lines 11-22); and

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- d. control means responsive to receipt of a preselected number of pulses over a preselected time period to apply a preset control signal to said alarm circuit;
- e. wherein said alarm circuit is responsive to said preset control signal to reset or test said alarm in dependence on said preset control signal. See page 12 lines 19-21.

Claim 41:

The control means is responsive to the energizing and de-energizing of the external power supply said preselected number of times over said preselected time period to apply said preset control signal to the alarm circuit. See page 12 lines 19-21.

Claim 42:

The alarm in WO'047 has first switch means, namely, the light switch, actuatable by a user to generate a respective pulse for each actuation thereby to apply a user selected number of pulses to the control means; and the control means is responsive to receipt of said preselected number of said pulses over said preselected time period to apply a preset control signal to the alarm circuit. Page 4, lines 11-22, page 5, lines 1-26, and page 12 lines 19-21.

Claim 44:

The first switch means is mounted remote from said alarm housing.

Claim 46:

The alarm of WO'047 has second electrical connection means for connection to a switch live side of a switch for a lighting circuit and wherein the second electrical connection means is operable to receive pulses caused by user actuation of said switch between its on and off states and apply the pulses to the control means thereby to cause a preset control signal to be applied to

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the alarm circuit in response to generation of said preselected number of pulses over the preselected time period.

Claim 47:

The WO'047 patent further comprises switch means for an external light source and actuatable in response to generation of a preselected control signal to energize the light source.

Claim 48:

The system in WO'047 further comprises a relay 50 and a light source wherein said relay is actuatable in response to generation of a preselected control signal to energize the light source.

Claim 49:

In the WO'047 when the preselected number of pulses over said preselected time period is one, the control means is operable to apply a preset control signal to the alarm circuit thereby to reset the alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 50:

In the WO'047 patent, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 51:

In the WO'047 patent, when the preselected number of pulses over the preselected time period is 2, the control means is operable to apply a preset control signal to said alarm circuit

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thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 52:

In the WO'047 patent, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 53 and 55:

The alarm circuit in WO'047 comprises means (TR1) for reducing and/or increasing the sensitivity of the detection means. Page 10 lines 14-16 and page 15, lines 3-4.

Claim 57:

The system of WO'047 also includes a battery 24 for supplying power to the alarm.

Claim 58:

The system of WO'047 also comprises a charging circuit 34 including the first electrical connection means for supplying power to a power rail for the alarm and for charging said battery. See fig. 4.

Claims 67 and 69:

The system of WO'047 includes a switch means, which is a relay, for a light source external to the alarm, the switch means being actuable in response to triggering the alarm to energize the light source. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.

Claim 68:

The switch means of the WO'047 system comprises a relay and the light source is external to the alarm. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 43 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutter (WO 00/21047).

Claim 43:

Though it appears that the light switch means disclosed in WO'047 is not mounted on the alarm housing, it would have been obvious to one skilled in the art to use a light switch that locates at the location of the light, e.g. one with drawstring; thus, it would result in the switch means located on the alarm housing in WO'047 as the alarm housing is combined with the light source.

Claim 45:

The switch means of the modified system of WO'047 is adapted for connection to a switch live side of a switch for a lighting circuit.

Allowable Subject Matter

9. Claims 54, 56, 59-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 00/58924.

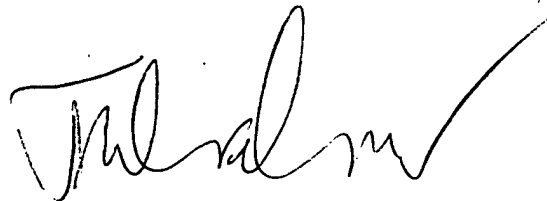
Scripps, US 5,432,500.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2612

Feb 19, 07